



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,266	12/12/2001	Michael Wayne Brown	AUS290010825US1	1753

43307 7590 07/14/2005

IBM CORP (AP)
C/O AMY PATTILLO
P. O. BOX 161327
AUSTIN, TX 78716

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Attachment

Defective Appeal Brief

The Advisory Action mailed on November 24, 2004 stated under item 2 that the proposed amendment will not be entered and provided explanation (See box 2(a) and also the attachment to the Advisory Action). Box 2(a) stated: "they raise new issues that would require further consideration and/or search (see NOTE below)" and the attachment stated: "Applicant introduced new issues in claims 1, 14, 25 and 37-45 that require further consideration and search from the Examiner".

However, in the same Advisory Action, Examiner inadvertently checked box 7(b) instead of 7(a). Applicant should have determined that box 7(b) contradicts the Examiner's position as clearly explained in the Advisory.

A telephone call to the Examiner would have removed any potential for confusion. Examiner regrets this typographical error (checking box 7(b) instead of box 7(a)), however, the fact remains that the claims after final raise new issues and have not been entered.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (571)272-7491. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2642

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
June 30, 2005.


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER